CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:		CCRB Case #:		Force		Discourt.	☐ U.S.
John Butler		Squad #5	5	201700382	V	Abuse		O.L.	☐ Injury
Incident Date(s)		Location	of Incident:	•	P	recinct:	18	Mo. SOL	EO SOL
Wednesday, 01/11/2017 11:30 PM Thursday, 01/12/2017	Л,					47	7/	/11/2018	7/11/2018
Date/Time CV Reported		CV Repo	orted At:	How CV Reported	:	Date/Time	Rece	eived at CCF	RB
Tue, 01/17/2017 3:59 PM		CCRB		Phone		Tue, 01/17	⁷ /201	7 3:59 PM	
Complainant/Victim	Type		Home Addr	ess					
Witness(es) Home Address									
Subject Officer(s)	Shield		TaxID	Command					
1. POM Patrick Jean	24116			047 PCT					
Witness Officer(s)	Shield N	lo .	Tax No	Cmd Name					
1. POM Jonathan Vasquez	11731			047 PCT					
2. POM Daniel Nunez	18750			047 PCT					
3. POM Matthew Palmerini	10321			047 PCT					
4. POM Keith Figueroa	28992			047 PCT					
Officer(s)	Allegati	on				Inve	stiga	tor Recon	nmendation
A.POM Patrick Jean	Abuse: I	Police Offi	cer Patrick Je	ean stopped					
B.POM Patrick Jean	Abuse: Police Officer Patrick Jean searched								
C.POM Patrick Jean	Abuse: Police Officer Patrick Jean searched the vehicle in which was an occupant.								
D.POM Patrick Jean	Abuse: Police Officer Patrick Jean seized property.								
§ 87(4-b), § 87(2)(g)									
	-								

Case Summary

The case is over 90 days old due to significant delays in obtaining the 911 recording related to this incident. The officers justified their actions on the basis of information they obtained in a 911 call, and there was no event listed on the SPRINT related to this incident. The 911 CD was requested from the Communications Division on March 17, 2017, but the Communications Division did not fulfill the request until May 30, 2017, despite repeated requests through IAB for the Communications Division to expedite the request. On May 30, 2017, the Communications Division notified IAB that they were unable to locate the requested 911 CD. On the same day, Det. McFarlane of the IAB/CCRB Liaison was consulted in regards to this issue, and he stated that there was nothing else that could be done to obtain the 911 CD because the Communications Division maintained that they had no record of it. Det. McFarlane advised the investigation to request the resource log from the date of the incident. On May 30, 2017, the resource log was requested from IAB, and it was received on June 15, 2017. The resource log did not reveal any 911 communication related to this incident, and the case was closed seven days later on June 21, 2017.

On January 12, 2017, at approximately 11: 30 p.m., drove his mother's car on near the exit to in the Bronx. became involved in a dispute with another unidentified motorist who cut in front of him while driving, and the other motorist followed when he exited the expressway onto and in the Bronx at which time he parked car, exited the vehicle, and approached the other motorist on foot. At that time, Police Officer in the Bronx at which time he parked his Patrick Jean and PO Matthew Palmerini of the 47th Precinct approached and PO Jean said, "Don't, move. Keep your hands where they are" (Allegation A). PO Jean immediately reached into front hoodie pocket and all of his pants pockets, and he removed belongings from his pockets, including his utility knife (Allegation B). PO Jean then parked car and searched his vehicle (Allegation C). The officers allowed walked to to leave without arresting him or issuing him a summons. PO Jean allegedly failed to return utility knife to him, and PO Jean did not issue a voucher for his seized property (Allegation D).

Video footage was obtained from surveillance cameras from an apartment complex near the incident location. However, the incident occurred outside of the frame of the camera, and the video only showed the officers briefly as they drove toward the scene of the incident in their vehicle. The original footage is located in IA 44 but requires a special video player to play and must be copied from CTS.



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Civilian and Officer CCRB Histories

§ 87(2)(b)

PO Jean has been a member of the NYPD for 12 years and has been the subject of five prior CCRB complaints involving eight allegations. PO Jean has one prior substantiated allegation for an improper vehicle stop for which the Board recommended Command Discipline A, and the NYPD concurred with that recommendation. There is no pattern in PO Jean's CCRB history applicable to this case.

Potential Issues PO Jean acknowledged stopping and searching and he acknowledged searching vehicle. PO Jean stated that he took those actions based on information he obtained in a 911 call, which stated that a man matching description brandished a gun at the unidentified 911 caller. PO Jean documented the 911 call in his memo book. As noted previously, the investigation was unable to obtain the 911 CD related to this incident. There was no event listed on the SPRINT from the 47th Precinct within a two hour time frame before or after the incident time that matched the incident details. The resource log from the 47th Precinct also confirmed that there was no documented event related to the incident in that time frame. The incident began on the near the border of the 47th Precinct, 49th Precinct, and 52nd Precinct. The SPRINTs and resource logs from those neighboring precincts were obtained, but there was no record of the 911 call. [Second Precinct Additional Content of the 911 call.]

friend, witnessed the incident but did not provide a verified statement. was contacted via phone, and he provided a brief, unverified phone statement. did not schedule an in-person interview because he stated that his work schedule prohibited him from meeting in-person in the field or at the CCRB. scheduled a phone interview, but he did not answer his phone at the time of his scheduled interview.

Findings and Recommendation

Explanation of Subject Officer Identification

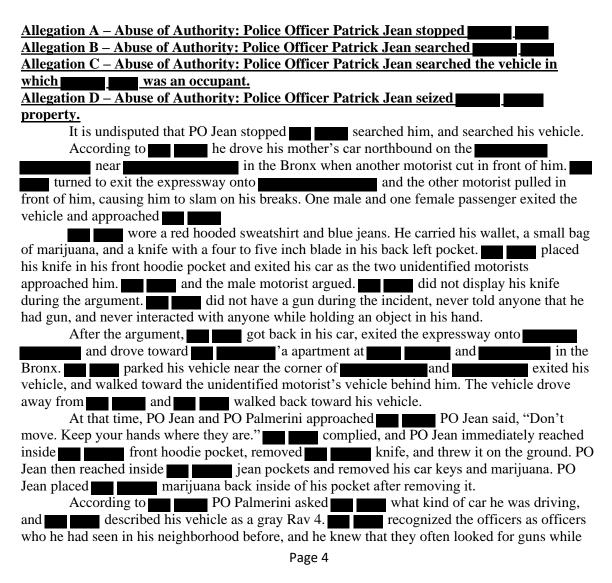
PO Jean stated that he responded to the scene to provide backup and was not the unit assigned to the 911 call. PO Jean did not know which officers were assigned to the job, and he did not know whether those officers were from the 47th Precinct or from some other command. The 47th Precinct roll call noted that there were 26 officers assigned to a larceny operation working during the time of the incident. The Precinct Sector Maps for the 47th Precinct also showed that altercation with the other motorist began at the border of the 47th Precinct, 49th Precinct, and 52nd Precinct, and then crossed Sectors A, B, and C in the confines of the 47th Precinct. As such, the investigation was unable to identify the officers who were assigned to handle the alleged 911 call because there was no SPRINT and because the pool of potential officers encompassed most of the officers on duty in the 47th Precinct as well as officers from neighboring commands.

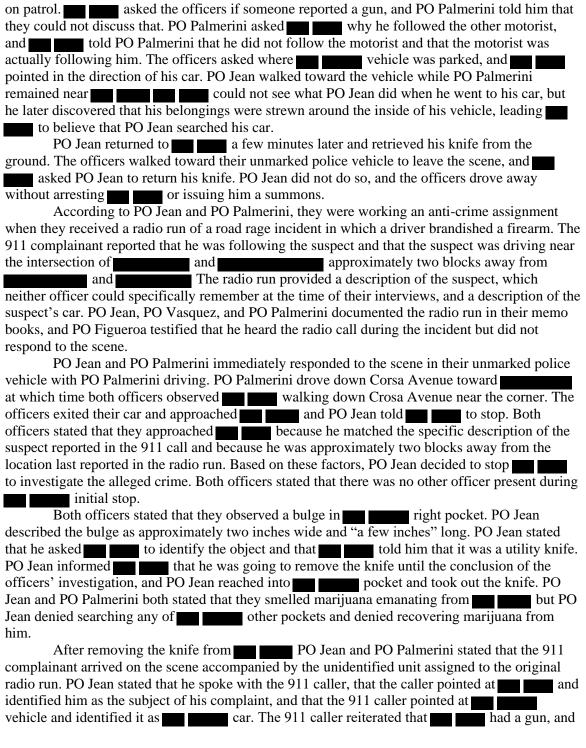
stated that PO Jean, PO Palmerini, and an unidentified officer in plainclothes initially approached him. PO Jean and PO Palmerini stated that there was no other officer with them during the initial stop. Both officers stated that additional units responded near the

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conclusion of the incident, but they did not recall how many officers responded, who they were, or to what command they were assigned.

PO Jonathan Vasquez, PO Daniel Nunez, and PO Keith Figueroa of the 47th Precinct were assigned to anti-crime duties during the incident, and these officers were interviewed. PO Nunez did not recall the incident. PO Vasquez and PO Figueroa testified that they also received the radio run described by PO Jean and PO Palmerini, but they stated that they were not present on the scene of the incident when the allegations occurred. As a result, the investigation was unable to identify any additional witness officers to this incident besides PO Palmerini.





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PO Jean told him that did not have a gun on his person. The 911 caller insisted that he saw with a gun.
PO Jean then walked to vehicle and searched it by entering the car and visually inspecting the interior. PO Jean visually inspected the inside of the center console, glove compartment, and trunk because there were no lids or doors covering these areas. PO Jean did not find a gun in the car. PO Jean searched the car because the 911 caller told the officers that had a gun and that he saw with the gun while was inside of his car. As such, PO Jean suspected that might have hidden his gun in his car. PO Jean returned to and told the other officers that he did not find a gun. PO Jean and PO Palmerini then left the scene. PO Jean and PO Palmerini denied that PO Jean kept knife upon leaving the scene. It is undisputed that PO Jean stopped searched him, and searched his vehicle, but the investigation could not determine by a preponderance of the evidence whether or not PO Jean was justified in taking those actions. PO Jean justified the stop and the car search based on information he obtained from the 911 call and from his conversation with the 911 caller. As previously noted, there was no event listed in the SPRINT for this incident, and the NYPD
Communications Division failed to produce the 911 CD. § 87(2)(g)
§ 87(2)(g)
§ 87(4-b), § 87(2)(g)

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Squad:			
Investigator: _	Signature	Print	 Date
Squad Leader: _	Title/Signature	Print	Date
Reviewer: _	Title/Signature	Print	 Date

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